

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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|---------------------------------|---|--|
| UNITED STATES OF AMERICA |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE No.: 1:95-CR-00460-WHB- |
| v. |) | JRS-3 & 1:00-CR-00260-WHB-JMF-4 |
| |) | |
| WILLIAM PLEMONS |) | |
| |) | |
| Defendant. |) | |

UNOPPOSED MOTION FOR TERMINATION OF SUPERVISED RELEASE

Mr. Williams Plemons moves this Court for early termination of supervised release. Mr. Plemons respectfully asks this Court to exercise its discretion and terminate Mr. Plemons's supervised release. In support of this request, Mr. Plemons presents the following.

On March 3, 1999, The jury found Mr. Plemons guilty on: (1) one count of conspiracy to embezzle, misapply, convert to own use, in violation of 18 U.S.C. § 371 (Count One); and (2) five counts of embezzlement of carrier's funds derived from commerce, in violation of 18 U.S.C. § 660, and § 2 (Counts Two through Six). See United States v. Prater, et al., Case No. 1:95-CR-00460-WBH-JRS-3, Docket Entry ("D.E.") 407. However, the district court vacated the jury verdict on counts One, Three, and Five. See D.E. 424.

On August 26, 1999, the district court sentenced Mr. Plemons to 27 months' imprisonment and three years' of supervised release on Counts Two, Four, and Six. See D.E. 424.

On April 19, 2000, Mr. Plemons, together with several co-defendants, was indicted with: (1) conspiracy to defraud the United States, in violation of 18 U.S.C. § 371 (Count One); (2) fraud by wire, radio, or television, in violation of 18 U.S.C. § 1343, § 2 (Count Two); and fraud and swindles, in violation of 18 U.S.C. 1341, § 2 (Counts Three though Five). See United States v. Colwell, et al., Case No. 1:00-CR-00260-WHB-JMF-4, D.E. 1. Mr. Plemons plead guilty to Count Two on March 13, 2002. See D.E. 158. The district court sentenced Mr. Plemons to 27 months' imprisonment and two years of supervised release to run concurrently with his previous sentence imposed in United States v. Prater, et al., Case No. 1:95-CR-00460-WBH-JRS-3. See United States v. Colwell, et al., Case No. 1:00-CR-00260-WHB-JMF-4, D.E. 169, 277. The district court also ordered Mr. Plemons to pay restitution in the amount of \$400,000, jointly and severally along with his co-defendant, Russell Smith. See 277.

On January 27, 2006, Mr. Plemons completed serving his sentence. See <http://www.bop.gov/>. On or about April 19, 2006, Mr. Plemons satisfied the restitution portion of the judgment. See United States v. Colwell, et al., Case No. 1:00-CR-00260-WHB-JMF-4, D.E. 328. In fact, Mr. Plemons he paid the whole amount of the restitution of \$400,000, while Mr. Smith did not contribute to the restitution. However, Mr. Plemons is supposed to be supervised release for another two years.

Mr. Plemons respectfully asks this Court to exercise its discretion and terminate his supervised release early for the following reasons. First, Mr. Plemons has served his sentence. Second, he paid the full amount of the restitution to the victims. Third, Mr. Plemons was on pre-trial supervision for nine years. Mr. Plemons desires to resume his normal everyday activities and move on with his life. However, the conditions of the

supervision make this nearly impossible. Thus, Mr. Plemons respectfully asks this Court to terminate his supervised release early.

Barbara Nelan, Assistant United States Attorney, does not oppose Mr. Plemons's motion.

Respectfully submitted,

/s/ Bruce Maloy

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing Motion upon
Barbara Nelan, Assistant United States Attorney, by delivering the same via the
Electronic Case Filing System on this 24 th day of January, 2007.

/s/ Bruce Maloy
BRUCE MALOY

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Plaintiff,)
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)
WILLIAM PLEMONS)
)
Defendant.)

ORDER

Having reviewed Mr. Plemons's Unopposed Motion for Termination of Supervised Release ("Motion"), the Court GRANTS Mr. Plemons's Motion.

It is so ORDERED this ____ day of January, 2007.

Willis B. Hunt, Jr.
Judge, United States District Court